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8       **UNITED STATES DISTRICT COURT**  
9       **CENTRAL DISTRICT OF CALIFORNIA**

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11       UNITED STATES OF                                      ) Case No. CR 11-846-PSG (Dft #1)  
12        AMERICA,    }  
13    } Plaintiff,    )  
14    }  
15        vs.    }  
16        GIL ALBERTO VELAZCO                              }  
17        CASTRO,    }  
18    } Defendant.    )  
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20    I

- 21       A.     ()   On motion of the Government in a case allegedly involving:  
22    1.    ()   a crime of violence.  
23    2.    ()   an offense with maximum sentence of life imprisonment or  
24    death.  
25    3.    ()   a narcotics or controlled substance offense with maximum  
26    sentence of ten or more years.  
27    4.    ()   any felony - where defendant convicted of two or more  
28    prior offenses described above.  
29    5.    ()   any felony that is not otherwise a crime of violence that  
  involves a minor victim, or possession or use of a firearm or destructive

1 device or any other dangerous weapon, or a failure to register under 18  
2 U.S.C. § 2250.

3 B. (X) On motion by the Government/ ( ) on Court's own motion, in a  
4 case allegedly involving:

- 5 1. (x) a serious risk that the defendant will flee.
- 6 2. ( ) a serious risk that the defendant will:
  - 7 a. ( ) obstruct or attempt to obstruct justice.
  - 8 b. ( ) threaten, injure or intimidate a prospective witness or
  - 9 juror, or attempt to do so.

10 C. The Government ( ) is/ (x) is not entitled to a rebuttable presumption that  
11 no condition or combination of conditions will reasonably assure the  
12 defendant's appearance as required and the safety or any person or the  
13 community.

14

## 15 II

16 A. ( ) The Court finds that no condition or combination of conditions  
17 will reasonably assure:

- 18 1. (x) the appearance of the defendant as required.  
19 ( ) and/or
- 20 2. (x) the safety of any person or the community.

21 B. ( ) The Court finds that the defendant has not rebutted by sufficient  
22 evidence to the contrary the presumption provided by statute.

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## 24 III

25 The Court has considered:

26 A. the nature and circumstances of the offense(s) charged, including  
27 whether the offense is a crime of violence, a Federal crime of terrorism, or  
28 involves a minor victim or a controlled substance, firearm, explosive, or

- 1                   destructive device;
- 2       B.     the weight of evidence against the defendant;
- 3       C.     the history and characteristics of the defendant; and
- 4       D.     the nature and seriousness of the danger to any person or the community.
- 5

6                   IV

7                   The Court also has considered all the evidence adduced at the hearing and the  
8 arguments and/or statements of counsel, and the Pretrial Services  
9 Report/recommendation.

10                   V

11                   The Court bases the foregoing finding(s) on the following:

12       A.     (X) As to flight risk: DEFENDANT IS A CITIZEN AND RESIDENT  
13 OF MEXICO. WHILE HE HAS NO CONVICTIONS AND HAS OFFERED HIS  
14 BROTHER'S PROPERTY IN SAN DIEGO AS COLLATERAL, HE CAN OFFER  
15 NO REAL OR PERSONAL PROPERTY OF HIS OWN THAT WILL INSURE HIS  
16 APPEARANCE IN COURT.

17       B.     ( X) As to danger: EVIDENCE WAS PRESENTED FROM WHICH  
18 TO DRAW AN INFERENCE THAT DEFENDANT HAS BEEN ENGAGED IN  
19 THE TRANSPORTATION OF CONTROLLED SUBSTANCES FROM MEXICO  
20 TO THE UNITED STATES.

21                   VI

22       A.     () The Court finds that a serious risk exists the defendant will:  
23                   1.     () obstruct or attempt to obstruct justice.  
24                   2.     () attempt to/ ( ) threaten, injure or intimidate a witness or  
25                   juror.

B. The Court bases the foregoing finding(s) on the following:

VI

- A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
  - B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.
  - C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity for private consultation with counsel.
  - D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined deliver the defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED: November 4, 2011

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**MARC L. GOLDMAN  
UNITED STATES MAGISTRATE JUDGE**